



A Framework for Language Access

Key Features of U.S. State and Local
Language Access Laws and Policies

Jacob Hofstetter
Margie McHugh
Anna O'Toole

A Framework for Language Access

Key Features of U.S. State and Local Language Access Laws and Policies

Jacob Hofstetter
Margie McHugh
Anna O'Toole

Migration Policy Institute

October 2021

Contents

- Executive Summary** 1

- 1 Introduction** 2

- 2 State and Local Language Access Laws and Policies Examined** 4

- 3 Key Features of Language Access Mandates** 7

- 4 Agency Responsibilities** 9
 - A. Identifying Affected Agencies 10
 - B. Document Translation 11
 - C. Interpretation Services 14
 - D. Ensuring Accuracy and Quality of Services Provided 16
 - E. Training Staff on Language Access Policies and Procedures 17
 - F. Public Notice of Services and Rights Related to Language Access 18
 - G. Designation and Recruitment of Agency Personnel to Supervise Language Access . 19
 - H. Creation of Language Access Plans 19

- 5 Policy Administration** 20
 - A. Agency Oversight 21
 - B. Creation of Advisory Councils and Technical Assistance Bodies 22
 - C. Accountability Mechanisms 23
 - D. Data Systems and Population Tracking 25
 - E. Involvement of Community Members and Groups 26
 - F. Agency or Jurisdiction Financial Resources 27

- 6 Conclusion** 28

- Appendices** 29

- About the Authors** 41

- Acknowledgments** 42

Executive Summary

More than 25 million people living in the United States in 2019 were Limited English Proficient (LEP). Most of these individuals were immigrants, of whom 8.4 million were naturalized citizens, while approximately 4.8 million were U.S. born. For newcomers, established immigrants, and citizens alike, language barriers can pose significant obstacles to integrating into American society as well as to accessing essential public services and institutions such as schools, health care, police and fire departments, and the legal system.

Due to the serious civil rights concerns associated with LEP individuals being unable to access public services based solely on the language they speak, federal law requires all providers of federally funded services to take steps to ensure language access. This requirement, which is grounded in Title VI of the *Civil Rights Act of 1964*, Supreme Court rulings, and the Clinton administration's Executive Order 13166, specifies that any federal, state, or local agency receiving federal funding must provide LEP individuals "meaningful access" to the programs it supports, including those run by subcontractors. Although these statutes, regulations, and policies create a basic right and framework for language access, they have significant limitations: they only apply to federally funded programs and lack adequate resources for implementation, enforcement, and accountability.

For newcomers, established immigrants, and citizens alike, language barriers can pose significant obstacles to integrating into American society as well as to accessing essential public services and institutions.

Many states and localities, facing a broad range of settings in which they directly serve LEP residents—such as interactions in government offices and public communications related to health and safety—have created their own laws and policies to better foster and govern language access across the public services they provide. Even though these laws and policies are rooted in their local contexts and regulations, they share many common features that can provide a foundational framework for other jurisdictions interested in improving their service capacities or governance of language access policies. While these laws and policies often take cues from federal guidance on language access, they also contain many unique and innovative elements necessary to ensuring language access in the day-to-day functions of state and local governments, as well as coordinating across departments.

Aiming to improve understanding of both common and unique features of these laws and policies, this report analyzes the key elements of 45 language access laws and policies across 40 states and localities, focusing specifically on laws and policies that apply to all agencies providing services to the public in a state or local government rather than one particular department or system. Without discounting the value of other types of language assistance initiatives, this report also focuses exclusively on binding laws, ordinances, executive orders, and other policies that carry legal weight. Among their major elements, this analysis identifies two broad categories: agency responsibilities and policy administration. Within these, it examines a wide range of features that address the duties assigned to departments and agencies as well as the governance structures and provisions created to oversee, guide, and enforce ongoing implementation of the laws and policies. Policy administration provisions display particularly notable areas of innovation and experimentation. These practices include empowering offices (such as those responsible for immigrant

affairs or civil rights) to act as oversight bodies for language access, developing compliance measures that require agencies to report on language access efforts as well as offer complaint procedures to LEP individuals, and designating a centralized body to provide technical assistance, guidance, and/or training to agencies on language access. Creating overarching administrative processes and/or structures to support the implementation and effectiveness of these laws and policies not only enhances the durability and fidelity in implementation of language access policies, but also their ability to adapt to changing demographics, advances in technology, and shifts in agency capacities.

State and local laws and policies that codify language access standards, responsibilities, and governance provisions are important tools for ensuring that language barriers do not prevent LEP individuals from accessing important government information or services. Taking stock of their major design elements and the wide range of shared and innovative provisions they employ can aid policymakers and community stakeholders seeking to understand the strengths and weaknesses of their own existing or future language access measures, both in terms of meeting obligations under federal civil rights law and, more broadly, of ensuring all residents of a state or locality have effective access to government services.

1 Introduction

Of the more than 25 million Limited English Proficient (LEP) people living in the United States in 2019,¹ the large majority were immigrants, including 8.4 million naturalized citizens, while approximately 4.8 million were U.S. born.² For immigrants—both newcomers as well as established residents—language barriers can pose serious obstacles to integrating into American society. They can also prevent immigrants from accessing essential public services to which they have a right and institutions ranging from schools and health care to police, fire departments, and the legal system. Recognizing that this poses a serious civil rights issue, the federal government and many states and localities have introduced language access laws and policies to ensure LEP individuals have effective access to critical resources.

The right to language access for LEP individuals is grounded in Title VI of the *Civil Rights Act of 1964*, which prohibits discrimination based on race, color, or national origin by recipients of federal funds.³ This right was further defined in the 1974 Supreme Court case *Lau v. Nichols*, in which the Supreme Court found that the San Francisco Unified School District had violated the civil rights of LEP students of Chinese ancestry by denying them the meaningful opportunity to participate in a public education program by failing to provide them with English language instruction. Through this ruling, the Supreme Court interpreted Title VI of the *Civil Rights Act of 1964* and subsequent federal regulations surrounding the law to mean that failing to provide LEP individuals with meaningful access to government services and benefits represented discrimination based on those individuals' national origin, and thus violated Title VI of the *Civil Rights Act*.⁴

1 Limited English proficiency is measured through responses to the U.S. Census Bureau's American Community Survey (ACS). Those surveyed are asked if they speak a language other than English at home. If yes, the survey asks them to self-assess their spoken English proficiency. Persons who report speaking English less than "very well" (that is, "well," "not well," or "not at all") are considered Limited English Proficient (LEP). See Migration Policy Institute (MPI) Data Hub, "United States: Language & Education," accessed May 24, 2021.

2 MPI Data Hub, "United States: Language & Education."

3 *Civil Rights Act of 1964*, Public Law 88-352, U.S. Statutes at Large 78 (1964).

4 U.S. Department of Justice, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons," *Federal Register* 67, no. 117 (2002): 41458.

In 2000, President Clinton issued Executive Order 13166—Improving Access to Services for Persons with Limited English Proficiency—which sought to expand and ensure meaningful access for LEP individuals seeking services from federal agencies and from all federally funded activities.⁵ The order directs each federal agency to develop and implement a plan to improve LEP individuals’ access to the agency’s federally conducted programs. In addition, the order mandates that each federal agency distributing financial assistance to other entities, such as state and local governments, provide Title VI LEP guidance tailored to its recipients to ensure they also provide language access in their services. To guide agency implementation of this executive order, the U.S. Department of Justice (DOJ) issued Title VI LEP policy guidance for other federal agencies developing their own guidance for their funding recipients.⁶

The DOJ guidance outlines steps that entities receiving federal funding, including federal, state, and local agencies, should take and issues to consider when developing language access policies. Also included within the guidance is a four-factor analysis designed to assist agencies in assessing the extent of language needs and determining reasonable steps—both financial and practical—toward expanding language services for LEP individuals and communities. The four factors are: 1) the number or proportion of LEP persons served or encountered in the eligible service population; 2) the frequency with which LEP individuals come into contact with the program; 3) the nature and importance of the program, activity, or service provided by the program; and 4) the resources available to the recipient and the costs of language access measures.⁷ In an effort to further clarify agency obligations, DOJ also included a “safe harbor” provision in its guidance that sets clear goals for agencies examining their language access obligations by establishing a minimum standard for translation that agencies must meet to be considered in compliance with Executive Order 13166.⁸

Although guidance from the DOJ and federal agencies establishes important standards for serving LEP individuals, language access represents a wider set of practical issues for state and local governments, especially those whose jurisdictions have significant LEP communities and whose public-serving agencies have regular contact with LEP individuals. In addition to making services linguistically accessible, many states and localities also need to regularly communicate or interact with the public in contexts related to public health, public safety, and promoting the availability of services. These functions of state and local government, alongside growing linguistic diversity across the country, demand not only practical approaches to providing effective interpreting and translation for LEP individuals but also the development of oversight and accountability mechanisms that cut across government agencies to coordinate language access provisions across an entire jurisdiction.

To comply with federal regulations and address the practical considerations associated with serving LEP individuals, a number of states and local governments have adopted their own language access laws, ordinances, or policies that further delineate and define how the jurisdiction’s public-serving agencies will ensure LEP individuals have meaningful access to public services. These laws and policies both reinforce the right to language access and establish how that right will be operationalized by agencies and

5 The President and U.S. Department of Justice, “Executive Order 13166—Improving Access to Services for Persons with Limited English Proficiency,” *Federal Register* 65, no. 109 (August 16, 2000): 50121.

6 The President and U.S. Department of Justice, “Executive Order 13166.”

7 U.S. Department of Justice, “Guidance to Federal Financial Assistance Recipients,” 41459–61.

8 U.S. Department of Justice, “Guidance to Federal Financial Assistance Recipients,” 41464.

departments serving the public. To coordinate language assistance across the many functions of state and local governments, many of these laws and policies create innovative governance structures for oversight, assistance, planning, and accountability.

This report provides a detailed look at how states and localities have designed their language access laws and policies. This analysis does not seek to assess the efficacy of any given law nor present the entire universe of components or approaches used; instead, it identifies the most common features along with unique provisions and approaches adopted by different jurisdictions. Without discounting the value of other types of language assistance initiatives, this report focuses on binding laws, ordinances, executive orders, and other policies that carry legal weight and apply to a wide range of state and/or local agencies, as opposed to, for example, measures affecting the practices of a single agency or type of service such as health care or education.

The report begins by providing an overview of the laws and policies analyzed and broadly discusses the scope of state and local language access policies. It then provides a close examination of elements of the laws and policies that address two key areas—agency responsibilities and policy administration—discussing their commonalities and differences as well as highlighting unique features.

2 State and Local Language Access Laws and Policies Examined

Language access laws and policies can take many forms, with states, counties, and cities having adopted a variety of executive orders, ordinances, acts, and resolutions to govern language access services in their respective jurisdictions. The laws and policies included in this analysis fit two criteria: First, since a primary purpose of this analysis is to explore how state and local governments have sought to address language barriers, they must apply to all departments within a local government, or at least to all departments that have contact with the public, rather than a specific system or service such as health care. Second, the laws, ordinances, and policies examined are all legally binding, having been implemented by an executive or legislative body rather than issued as guidance or as a nonbinding plan by a state or local government. This keeps the focus of the analysis on laws and policies that carry legal weight and are enforceable.

Table 1 lists the 45 policies across 40 jurisdictions examined in this report (some states and localities had multiple laws). The authors of this report attempted to be as exhaustive as possible in identifying laws and policies across the United States that fit the criteria for the analysis; still, a small number of laws and policies were excluded for meeting some but not all of the criteria, and it is possible that a relevant law or policy may have been overlooked.⁹ In addition, it should be noted that while the existence of state and local

⁹ The authors of this report did find additional language access policies and laws that were not included, generally for not appearing to be legally binding. These include policies and laws in the jurisdictions of Cleveland, OH (City of Cleveland, “[Language Access Plan](#),” accessed September 22, 2021); Dallas County, TX (Dallas County, “[Limited English Proficiency Plan](#),” accessed September 22, 2021); Winston-Salem, NC (City of Winston-Salem, Human Relations Department, “[Title VI Compliance—Limited English Proficiency \(LEP\) Policy and Procedures](#),” accessed September 22, 2021); and Brighton, MI (City of Brighton, “[Limited English Proficiency \(LEP\) Plan: Guidelines and Procedures](#),” accessed September 22, 2021). Despite not being included this formal analysis, these plans and policies have many of the same features related to agency responsibilities and policy administration as those laws and policies that were included.

laws and policies is an important factor in increasing and ensuring language access, the effectiveness and durability of these policies ultimately relies on how their requirements and procedures are implemented by department heads, managers, and frontline staff. While examining the efficacy of implementation processes is beyond the scope of this analysis, provisions that seek to build ongoing capacity and coordination while also assuring the durability of language assistance efforts are a central focus of the policy administration section of this report (see Section 5).

TABLE 1

Current State and Local Language Access Laws in the United States

Location	Law Name	Year Passed
<i>State Laws and Policies</i>		
California	<i>California Dymally-Alatorre Bilingual Services Act</i>	1973
District of Columbia	<i>District of Columbia Language Access Act</i>	2004
Hawaii	<i>Hawaii Act 201 (Relating to the Office of Language Access)</i>	2012
Maryland	<i>Maryland Equal Access to Public Services for Individuals with Limited English Proficiency Act</i>	2002
Minnesota	Minnesota Statutes 15.441: Communications Services	1985
New York	Executive Order 26: Statewide Language Access Policy	2011
<i>Local Laws and Policies</i>		
Anchorage, AK	Municipality of Anchorage Language Access Policy	2018
Austin, TX	City of Austin Administrative Bulletin 14-04: Translation and Interpretation Policy	2014
Austin, TX	City of Austin Resolution No. 20161103-052	2016
Boston, MA	City of Boston: An Ordinance Establishing Language and Communications Access for City Services	2016
Chapel Hill, NC	Town of Chapel Hill Language Access Plan	2019
Chicago, IL	Chicago Substitute Ordinance: Citywide Language Access to Ensure the Effective Delivery of City Services	2015
Detroit, MI	City of Detroit Limited English Proficiency (LEP) Plan	2017
Houston, TX	City of Houston Administrative Policy 2-11	2014
Humboldt County, CA	Humboldt County Policy HR2020-004: Limited English Proficiency Policy	2020
King County, WA	King County Code Title 2.15	2018
Long Beach, CA	Long Beach Resolution Number 18-0022: A Resolution of the City Council of the City of Long Beach Amending and Restating a Language Access Policy	2018
Madison, WI	City of Madison Language Access Plan	2018
Minneapolis, MN	Minneapolis 2015 Language Access Plan	2015
Monterey County, CA	Monterey County Policy P-130: Language Access and Effective Communication Policy	2018
Monterey Park, CA	Monterey Park Administrative Policy 10-35: Multilingual City Services	2003
Montgomery County, MD	Montgomery County Executive Order 046-10: Access to County Government Services for Individuals with Limited English Proficiency	2010

TABLE 1 (cont.)

Current State and Local Language Access Laws in the United States

Location	Law Name	Year Passed
Multnomah County, OR	Multnomah County Administrative Procedure DEI-2: Language, Communication, and Cultural Access Policy	2019
Nassau County, NY	Nassau County Executive Orders 67-2013 and 72-2013	2013
New York City, NY	New York City Executive Order 120: Citywide Policy on Language Access to Ensure the Effective Delivery of City Services	2008
New York City, NY	New York City Local Law 30: Improving Access to City Services for Limited English Proficiency Individuals	2017
Oakland, CA	Oakland Equal Access to Services Ordinance	2001
Orange County, NC	Orange County Language Access Policy	2020
Palm Springs, CA	City of Palm Springs Resolution 24713: Language Access Policy	2020
Philadelphia, PA	Philadelphia Executive Order 4-01: Access to Federally Funded City Programs and Activities for Individuals with Limited English Proficiency	2001
Philadelphia, PA	Philadelphia Executive Order 7-16: Citywide Policy on Language Access and the Office of Immigrant Affairs	2016
Portland, ME	City of Portland's Language Access Policy	2018
Prince George's County, MD	Prince George's County Language Access for Public Services	2017
San Diego County, CA	San Diego County Board of Supervisors Policy A-139: Language Access	2020
San Francisco, CA	San Francisco Language Access Ordinance	2001
San Jose, CA	City of San Jose Language Access Policy	2016
San Mateo County, CA	San Mateo County Language Access Policy	2017
Santa Clara County, CA	Santa Clara County Board Resolution BOS-2015-47: Language Access	2015
Seattle, WA	Seattle Executive Order 01-07: City-Wide Translation and Interpretation Policy	2007
Seattle, WA	Seattle Executive Order 2017-10: Language Access	2017
Suffolk County, NY	Suffolk County Executive Order 10-2012: Countywide Language Access Policy	2012
Suffolk County, NY	Suffolk County Local Law 16-2018: A Local Law to Ensure Language Assistance for the Public	2018
Tucson, AZ	Tucson Administrative Directive 2.05-9: Services for Language Access Policy for Limited English Proficiency (LEP)	2018
Westchester County, NY	Westchester County Executive Order 1 of 2019: Westchester County Language Access Policy	2019
Worcester, MA	City of Worcester Limited English Proficiency Language Access Policy and Procedures	2016

Notes: "Year Passed" for policies represents the initial passage of the act, ordinance, law, or policy. Many of these policies have been subsequently updated, and their most recent version is used in the analysis and in the breakdown of characteristics in Appendices A and B. Where policies build on one another, rather than replacing an earlier policy, the policies are analyzed jointly. See Appendix C for additional details.

Sources: See Appendix C for a full list of citations for these laws and policies.

3 Key Features of Language Access Mandates

State and local laws and policies contain a wide range of features related to the design and management of language access services. These features include provisions addressing the duties of agencies and their staff to deliver assistance to LEP individuals as well as broader provisions that create administrative capacity across agencies and governments. Their provisions, procedures, and requirements can be grouped into two broad categories: agency responsibilities and policy administration. Within these categories, an original framework delineates a range of key features of the laws and policies and provides a brief definition of the provisions and requirements each encompasses.

These features include provisions addressing the duties of agencies and their staff to deliver assistance to LEP individuals as well as broader provisions that create administrative capacity across agencies and governments.

Agency responsibilities, described in Table 2, are specific obligations and tasks assigned to departments and agencies within a state, county, or city by the language access laws and policies. Such responsibilities include translating documents, providing interpreters, ensuring accuracy in interpretation and translation, assigning staff to manage language access issues, providing public notice of language access rights, and developing regular language access plans or reports. These features not only provide a road map and standards for operationalizing language assistance services but also create agency planning and coordination responsibilities that can promote effective implementation and sustainability of the day-to-day efforts required to ensure an agency's services are accessible to LEP individuals.

In many cases, state and local laws mirror elements of the 2002 DOJ guidance on language access, which codifies and specifies how the guidance should be implemented by affected agencies within a jurisdiction. Given the relatively long-standing requirement to provide access to LEP individuals and the fact that many public-serving agencies have had to adapt to serving an increasingly linguistically diverse public, many of the responsibilities state and local laws assign to agencies (such as providing interpretation and translation, training staff, and even appointing dedicated staff to coordinate such services) may be familiar practices in many state and local contexts. Local language access laws and policies often affirm existing provisions affecting federally funded services and at times extend them to non-federally funded services provided by the state or local government. In doing so, they may enable jurisdictions to standardize language assistance procedures across agencies or improve planning and coordination within departments. These laws and policies also present jurisdictions with the opportunity to build governance structures across their agencies and services that may more reliably promote the efficacy and sustainability of language access measures.

TABLE 2

Overview of Features Related to Agency Responsibilities in Language Access Laws and Policies

Feature of Law, Policy, or Ordinance	Description of Common Provisions
Affected Agencies	Sets clear guidelines for which government agencies will be affected by the policy/law. Affected agencies can range from a set of agencies specifically named in the law, to those serving the public, to all agencies within a government.
Document Translation	Requires agencies to translate documents into one or more languages. The documents for which translation is required are typically those “vital” or critical to accessing services or important information. Laws and policies may explicitly state the number of languages or which specific languages documents must be translated into, depending on the size and characteristics of local LEP populations.
Oral Interpretation	Requires agencies to provide in-person or remote interpretation services for LEP individuals. Laws and policies may also provide guidance or regulations on the use of bilingual staff, professional interpreters, and volunteers.
Accuracy of Services	Ensures the provision of accurate interpretation and translation services by, at the most basic level, requiring services be provided by qualified individuals. Other strategies include prohibiting particular types of services (such as machine translation or the use of family members as interpreters), creating bilingual testing and certification processes, and service quality assessments.
Training Staff on Language Access Rights and Procedures	Builds staff knowledge and expertise related to serving LEP individuals through professional development and training on topics such as agency language access responsibilities and cultural and linguistic competency. Some professional development regulations only target senior staff/leadership while others target agencies’ staff more broadly.
Public Notice of Services	Fosters public awareness of language access services offered by an agency through posting signage in public places or on websites and developing outreach initiatives, sometimes in partnership with local community-based organizations.
Designation and Recruitment of Agency Personnel to Supervise Language Access	Expands agency capacity by creating designated positions, often a language access coordinator, to support and/or oversee law/policy implementation on an agency level.
Language Access/ Implementation Plans	Requires agencies to document how they will provide meaningful language access and meet the provisions of the law or policy. This documentation is generally achieved through language access plans, and there is often a requirement to update these on a regular basis.

The second category of the framework—policy administration—refers to the regulations and systems created by laws and policies to oversee, support, and enforce language access regulations across a state or local government’s jurisdiction. These elements include oversight offices, advisory and technical assistance bodies, accountability mechanisms, data systems and population tracking, embedded requirements for community input, and budgetary/funding considerations. Such policy administration and coordination elements aim to ensure robust, cross-agency management of language access measures, often by expanding a jurisdiction’s capacity and infrastructure to provide guidance and assistance to departments, monitor quality and compliance, understand agency needs, and update approaches and policies as needed.

TABLE 3

Overview of Features Related to Policy Administration in Language Access Laws and Policies

Feature of Law, Policy, or Ordinance	Description of Common Provisions
Agency Oversight	Charges a particular department, office, entity, or individual with overseeing agencies' implementation of language access services.
Advisory Councils and Technical Assistance Bodies	Supports agencies in implementing language access services by providing technical assistance, advice on implementation, and/or sharing feedback regarding quality of services. Laws and policies may select a range of government agencies or community-based organizations to serve in this role or form new advisory bodies.
Accountability Mechanisms	Helps ensure compliance with language access regulations. Common mechanisms include annual compliance plans, reports to legislatures, or a complaint procedure that allows LEP individuals to file complaints that agencies must respond to.
Data Systems and Population Tracking	Requires agencies to monitor use of services and growth of LEP populations in their communities in an effort to detect emerging and/or growing language access needs. Tracking LEP populations may include the use of census data or data on people using an agency's services.
Involvement of Community Members and Groups	Allows community members or community-based organizations to participate in language access planning, implementation, and/or evaluation processes.
Agency/Jurisdiction Financial Resources	Addresses issues of financial capacity to provide language access services. Laws and policies may require agencies to plan to allocate funding, use standard rates of compensation for interpretation and translation, or track expenditures.

All of the policies and laws analyzed in this report contained at least one feature from each of the broad categories detailed in Tables 2 and 3. Most states and localities included fairly extensive provisions related to agency responsibilities, with 86 percent including at least six out of the eight features encompassed by that category, and 43 percent having all eight features. Fewer laws and policies had such robust provisions addressing policy administration, with 70 percent addressing at least three of the six areas, and only 11 percent (or five laws/policies) having all six features. The next two sections discuss these common features of state and local language access laws and provide examples from across the country of how different jurisdictions approach these elements.

4 Agency Responsibilities

In assigning agency responsibilities, state and local language access laws and policies lay the institutional groundwork to ensure their jurisdiction provides effective services to LEP individuals. This section details common regulations and procedures in state and local laws and policies including providing interpretation and translation, ensuring accurate services, training staff on language access, notifying the public of services, designating of language access coordinators, and using language access/implementation plans. For more detailed information regarding which components are included in each state and local law or policy, see Appendix A.

A. Identifying Affected Agencies

An initial step for any language access law or policy is identifying which agencies within a state or local government are affected by the policy's regulations. Although every language access policy examined in this study identifies the agencies and departments that are required to implement its provisions, the approaches and scope vary. The laws and policies analyzed typically assign responsibility for the implementation of language access provisions to either public-serving agencies (sometimes differentiated by tiers) or to all government agencies in a particular state or locality.

Although every language access policy examined in this study identifies the agencies and departments that are required to implement its provisions, the approaches and scope vary.

- ▶ **Public-serving agencies.** Many states and localities impose language access responsibilities on agencies that have regular contact with the public. For example, Chicago's language access ordinance applies to all city departments that provide direct public services, defined as services administered by a department directly to program beneficiaries and/or participants.
- ▶ **Public-serving agencies differentiated by tiers.** A few jurisdictions, such as the District of Columbia, have divided public-serving agencies into tiers based on their level of interaction with LEP customers. Washington, DC's act places a diverse set of obligations on "covered entities," broadly defined as all agencies, departments, or programs that "furnish information or render services directly to the public."¹⁰ The act also places more extensive responsibilities on "covered entities with major public contact," a subset of covered entities whose primary responsibilities feature more direct and extensive contact with the public.
- ▶ **All government agencies.** Several laws and policies make all of a state or locality's agencies and departments subject to their language access regulations. For instance, Hawaii's state law applies to all executive, legislative, and judicial agencies (including all departments, offices, commissions, boards, or other agencies within them). Notably, Hawaii's mandate also affects entities receiving state financial assistance, such as contractors or grantees to provide services.

Approaches that place responsibilities for language access on public-serving agencies (all of them or based on different tiers) enable state and local governments to provide more detailed regulations to these agencies or departments that have extensive contact with the public, such as a department of motor vehicles or department of human services, while not placing undue regulatory burdens on departments with limited contact with the public, or no contact at all. At the same time, requiring all agencies to implement language access procedures can ensure jurisdiction-wide planning and consideration of how to provide LEP communities comprehensive access to public services.

¹⁰ District of Columbia, "Chapter 4-12: Language Access Act," *District of Columbia Municipal Regulations and District of Columbia Register* (2014), 1205.1.

B. Document Translation

Nearly all of the state and local laws and policies analyzed require agencies to translate documents into the primary languages of the jurisdiction's LEP residents. Given the importance of forms, notices, letters, and other written documentation in public services, this requirement is a key element in ensuring access for LEP individuals. With most information regarding public services also available online via government websites, the translation of webpages has similarly become a key element in ensuring that public information is equally available. In order to ensure written communication and information are available to LEP individuals, most state and local laws and policies specify which documents should be translated and the languages they should be translated into. They also generally provide guidelines on how such translations should be completed.

In order to ensure written communication and information are available to LEP individuals, most state and local laws and policies specify which documents should be translated and the languages they should be translated into.

Determining What Documents Should Be Translated

The vast majority of jurisdictions with language access laws or policies require the translation of documents deemed essential or vital to accessing and understanding services, a standard that matches the DOJ's guidance on how to ensure "meaningful access" in federally funded services. Chicago's language access ordinance, for example, defines essential public documents that must be translated as "those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services."¹¹ Some policies provide more direction to agencies. For example, the Oakland Equal Access to Services Ordinance specifies that the following types of documents must be translated: brochures and outreach materials; applications; notices of fines or rights; "determination of eligibility of, award of, denial of, loss of, or decrease in a benefit, city service, or program"; and complaint forms.¹²

Determining the Languages into Which Documents Should Be Translated

In tandem with determining what documents should be translated, most language access laws and policies also describe how agencies should determine the languages into which those documents should be translated. Some states and localities specify the languages while others set a threshold or population level and require translation of documents into any language that fits the criteria.

- ▶ **Setting a population threshold.** Many mandates establish a threshold based on the number of people who speak a shared non-English language, or their share of all residents in the jurisdiction, and once that level is reached, translation into that language becomes required for all vital documents. In the District of Columbia, agencies must translate documents into any shared language spoken by a

11 City of Chicago, Office of the City Clerk, "Amendment of Municipal Code, Title 2 by Adding New Chapter 40 Entitled 'Citywide Language Access to Ensure the Effective Delivery of City Services'" (substitute ordinance, March 18, 2015), 1.

12 City of Oakland, Office of the City Clerk, *Equal Access to Services*, Ordinance No. 12324, codified at *Oakland Municipal Code*, Section 2, Chapter 2.30 (2001), 4-5.

population that constitutes 3 percent of the district’s residents or 500 individuals, whichever is less.¹³ Other jurisdictions follow the threshold for translation set by the DOJ Title VI LEP guidance’s “safe harbor” standard. For example, Boston uses the same minimum population threshold for translation as suggested by the guidance—5 percent or 1,000 people.¹⁴

- ▶ **Top languages.** Some localities determine translation obligations based on the top languages spoken in the jurisdiction, rather than using an automatic threshold. For example, Washington State’s King County requires the translation of vital documents into the top six languages spoken by LEP county residents.¹⁵ New York City’s Local Law 30 requires the translation of documents into a total of ten languages: the top six languages spoken by the city’s LEP population and the top four other languages spoken by LEP individuals served or likely to be served by city agencies.¹⁶
- ▶ **Four-factor analysis.** A limited number of laws and policies have adopted the DOJ’s four-factor analysis to determine languages for document translation (see Section 1), rather than using a threshold or list of languages. In Oregon, for example, Multnomah County’s Language, Communication, and Cultural Access Policy requires agencies to use the four-factor analysis to “identify, translate, and disseminate vital County documents and public communication materials.”¹⁷

Determining How Documents Should Be Translated

Many state and local language access laws and policies also prescribe how agencies should go about translating documents. Jurisdictions have adopted a variety of strategies in this regard, with the most common methods being utilization of volunteers or in-house staff, obtaining contract services, or a combination of the two.

- ▶ **Contract or other third-party services.** Many of the laws and policies examined require or recommend the utilization of contracted or other third-party services to translate documents for LEP individuals. For example, Nassau County, NY’s Executive Order 67-2013 permits agencies to use contractual services or an online translation service, while San Jose, CA’s policy recommends the use of the city’s language assistance contract for translation needs and lists considerations for the procurement of contracted translation services.
- ▶ **In-house bilingual staff.** Many jurisdictions also recommend the use of bilingual staff, where appropriate, in translating documents. In California, Humboldt County’s Limited English Proficiency Policy, for example, advises that when “reasonably available, county departments should utilize Qualified Bilingual Employees to create, translate, and maintain written materials.”¹⁸ The use of bilingual staff can assist with efficient translation, but it is important to note that effective translation

13 District of Columbia, *Language Access Act of 2004*, codified in *District of Columbia Municipal Regulations and District of Columbia Register*, Chapter 4-12 (2014).

14 City of Boston, “Establishing Language and Communications Access for City Services,” *City of Boston Municipal Code*, Chapter 6-10.1 (March 2016).

15 King County, “Citizen and Immigration Status,” *King County Code*, Title 2.15 (2018).

16 City of New York, *A Local Law to Amend the New York City Charter and the Administrative Code of the City of New York, in Relation to Improving Access to City Services for Limited English Proficient Individuals*, *Local Laws of the City of New York for the Year of 2017*, No. 30 (2017).

17 Multnomah County, “Language, Communication and Cultural Access Policy” (Administrative Procedure DEI-2, October 2019), 3.

18 Humboldt County, “Limited English Proficiency Policy” (Policy No. HR2020-004, April 28, 2020).

of written materials requires additional specialized knowledge, skills, and abilities beyond only being bilingual.

- ▶ **Volunteer translator program.** Some jurisdictions allow volunteers to assist with translation. In Monterey Park, CA, the Translators and Interpreters Program uses certified volunteers to support the translation of public documents. While use of volunteers can reduce costs, such an approach relies on the ongoing availability, competence, professionalism, and willingness of volunteers to help translate documents.

Additional Considerations

A few states and localities have additional elements in their language access laws and policies that seek to ensure LEP individuals can access and understand translated documents and public information on government websites.

- ▶ **Plain language communication.** Several of the state and local mandates analyzed require use of plain language in translated documents, defined by the federal government as communication that can be understood by an individual the first time they read or hear it.¹⁹ Under New York City's Executive Order 120, for example, agencies are required to follow guidance from the Mayor's Office of Adult Education to ensure language access policies reflect plain language communication. Similarly, San Francisco's language access ordinance requires translations to "match literacy levels of the target audience."²⁰ Plain language provisions for translated documents are intended not only to ensure LEP individuals can understand forms and documents in their own language but also to save time, money, and personnel resources by minimizing the need for explanation and/or follow-up due to confusion.²¹
- ▶ **Availability of translated resources on agency websites.** Given the widespread use of the internet by governments to deliver information and even provide services online, some states and localities also require all translated resources to be available online or for the websites themselves to be translated. For example, Seattle's 2017 executive order on language access directs the city's Office of Immigrant and Refugee Affairs to "oversee, update, and maintain a web portal" that includes, among other items, "a repository of city departments' translated documents."²² Similarly, Maryland updated its language access law in 2016 to expand translation requirements to include government webpages.

In sum, the near-universal inclusion of provisions related to the translation of vital documents underscores the strong desire of jurisdictions adopting language access measures to ensure that forms and documents, which are key to accessing government services, are accessible and understandable for LEP individuals. These features also provide clarity to agencies on what documents must be translated, what languages they must be translated into, and what considerations for accessibility must be taken into account. Elements such as requiring the use of plain language in translated forms and the translation of government websites may also expand the reach and impact of efforts to ensure LEP individuals can access materials in their own language from local and state agencies.

19 Plainlanguage.gov, "What Is Plain Language?" accessed June 29, 2021.

20 City of San Francisco, *Language Access Ordinance*, Ordinance No. 27-15, *Administrative Code of the City of San Francisco* (2015), 10.

21 Plainlanguage.gov, "Why Use Plain Language?" accessed April 8, 2019.

22 City of Seattle, Office of the Mayor, "Language Access" (Executive Order 2017-10, October 2, 2017), 3.

C. Interpretation Services

In addition to translating vital public documents, state and local language access laws also focus heavily on the provision of oral interpretation services to LEP individuals seeking to access government information or services. Interpretation services, whether delivered in person or remotely, allow LEP individuals to meaningfully interact with agency services, be it in a government office, the individual's home, or in a public location. Language access laws and policies address not only which interactions interpreters should be present for but also how interpretation should be delivered (in person or remotely) and by whom: bilingual staff, professional interpreters, or volunteers.

Delivery of Interpretation Services and Direct Services in Languages Other Than English

All of the language access laws and policies analyzed require the use of interpretation or bilingual staff for interactions between agency staff and LEP individuals seeking services, but they differ in their rules for delivering such services in person versus remotely. Some states and localities place greater emphasis on the provision of in-person interpretation or direct services.²³ For instance, in Minnesota, agencies must have enough qualified bilingual individuals in public contact positions to ensure provision of information and services in languages spoken by a substantial number of LEP individuals. This is also the case in California, where every agency serving a substantial number of non-English speakers is required to employ enough qualified bilingual staff or interpreters in public positions to ensure language access. Many jurisdictions also set specific provisions for the use of in-person, professional interpreters for important interactions such as public meetings, city council meetings, or proceedings that carry serious consequences for individuals, such as child welfare cases or determinations of benefits.

In cases where no bilingual staff member or volunteer is available to provide services, many jurisdictions require or allow the use of telephone-based vendor services to provide interpretation to LEP individuals. For example, under the District of Columbia's *Language Access Act*, each agency covered by the law must maintain an account with a service offering telephonic interpretation. Similarly, under New York City's law, agencies are required to retain vendor interpretation services in at least 100 languages.²⁴ Given the extra cost of connecting to a remote, professional interpreter, some state and local laws and policies require agency staff to first establish that there is no qualified staff or volunteer interpreter before using a language telephone line or remote interpreter. For instance, the City of Worcester, MA's LEP policy requires agency staff to consult a list of

In Minnesota, agencies must have enough qualified bilingual individuals in public contact positions to ensure provision of information and services in languages spoken by a substantial number of LEP individuals.

²³ The use of bilingual staff to provide services does not qualify as interpreting given that the staff member is not orally translating information from English into another language but instead directly providing services in a language other than English. In addition, interpreters leverage specialized skills, knowledge, and abilities that require additional training and competencies beyond what bilingual staff providing services in a language they share with LEP individuals would be expected to be equipped with. Given that both approaches involve the delivery of oral language services and are regularly linked in language access laws and policies, however, they have been grouped together in this report.

²⁴ City of New York, *A Local Law to Amend the New York City Charter and the Administrative Code*.

bilingual staff members and determine that no one on that list is able to interpret before using the city's contracted language line.

Provisions to Support Effective Interpretation or Access to Bilingual Staff

Many jurisdictions' laws and policies also include additional provisions meant to support agency staff and LEP individuals in quickly accessing interpretation or qualified bilingual staff when needed, such as through creating a bilingual staff directory or utilizing language identification cards.

- ▶ **Bilingual staff directory.** Several states and local jurisdictions require agencies to create staff directories of qualified, bilingual employees with information on the departments/agencies in which they work and the languages they speak. For example, Nassau County Executive Order 72-2013 directs the deputy county executive of the Office of Minority Affairs to compile a list of all bilingual employees and distribute it to all departments. Under the executive order, each agency's language access plan must also specify how and where staff can access the directory. Such an approach ensures that staff have easy access to bilingual colleagues in order to facilitate efficient service for LEP individuals.
- ▶ **Language identification cards.** To assist LEP individuals seeking agency services, many of the laws and policies analyzed require the use of language identification cards (also known as iSpeak cards). Such cards display the phrase "I Speak" in multiple languages in order to allow LEP individuals and agency staff to quickly determine which language the individual speaks and how interpretation can be provided.²⁵ For example, Tucson's 2008 administrative directive requires agencies to keep copies of language identification cards in areas where the public is served (and a copy is provided in the directive's appendix).
- ▶ **Recruitment programs and incentives.** For jurisdictions relying heavily on in-house interpretation, bilingual staff, and translation services, recruiting and retaining qualified, bilingual employees is critical. To do so, a handful of laws and policies include plans to advertise all positions requiring bilingual ability in non-English language media. Monterey Park's policy uniquely requires vacant positions be advertised in a wide variety of publications and also provides signing bonuses (ranging from \$500 to \$1,000) to new bilingual employees through a recruitment incentive program. In addition, the policy creates a reward program that provides up to \$1,500 to current employees who refer a successful bilingual candidate.²⁶

As the provisions outlined above attest, many state and local policymakers involved in advancing language access measures have recognized the need to support agencies in determining how to deliver services in languages other than English and who can serve as an interpreter or qualified bilingual staff member. The parameters and options they provide can make the day-to-day provision of interpretation and services in languages other than English less complicated for frontline managers and staff at agencies.

25 The U.S. Department of Justice's LEP.gov webpage features a number of examples of iSpeak cards used in different contexts; see U.S. Department of Justice, "I Speak Cards," accessed October 13, 2021.

26 City of Monterey Park, "Multilingual City Service" (Administrative Policy 10-35, December 18, 2003).

D. Ensuring Accuracy and Quality of Services Provided

In addition to defining the nature and scope of translation and interpretation services that should be provided, most state and local language access laws and policies contain features that seek to ensure the quality and accuracy of the language services they mandate. Many address this issue by simply stating that agencies may only use qualified or certified interpreters and translators (or bilingual staff), while other jurisdictions provide more detailed standards. Such provisions include testing and certification of bilingual staff, interpreters, and volunteers, quality assurance processes, and prohibitions of certain types of interpretation and translation, such as using LEP individuals' family members as interpreters.

- ▶ **Agency testing and certification processes for bilingual staff, interpreters, and volunteers.** In order to certify that staff and volunteers are qualified and competent, some states and localities have established certification processes that staff or volunteers must complete before they can interpret for LEP individuals or translate documents. These processes can occur within each department/agency or across a government, depending on the law or policy. For example, Hawaii's law requires the state's Language Access Resource Center to develop a process to test and certify translators and interpreters for agencies to use in carrying out their language access service obligations. Boston's ordinance requires the city's language access coordinator to evaluate employees' and volunteers' fluency in languages other than English, and then further requires these individuals to complete training on "the ethics of interpretation, techniques in interpretation, and familiarity with the City of Boston Glossary of Terms."²⁷
- ▶ **Service quality and accuracy assessment processes.** A small share of states and localities with language access laws or policies include quality control methods in their policies, with the aim of assessing the appropriateness and effectiveness of the translation and interpretation services provided. San Francisco departments, for example, must designate a staff member or external contractor to assess "the accuracy and appropriateness" of translated materials or to contract outside translators to do so.²⁸ In the District of Columbia, the Office of Human Rights is tasked with working alongside the Office of Contracting and Procurement to develop a quality procurement process to ensure services provided by agencies meet translation and interpretation standards.
- ▶ **Prohibition of certain types of interpretation and translation.** Some states and localities prohibit certain forms of translation and interpretation that may compromise the quality of services delivered to LEP individuals and/or create confidentiality and ethical concerns.
 - **Using Google Translate and other translation programs.** Recognizing the limitations of online translation tools such as Google Translate, some laws and policies forbid their use in translating documents. Suffolk County, NY's Executive Order 10-2012 explicitly states that online services are not permitted to be used by agencies for the purpose of translating documents. Regarding remote interpretation, Multnomah County specifically forbids the use of "low-quality video interpreting" for interactions with LEP individuals.²⁹

²⁷ City of Boston, "Establishing Language and Communications Access for City Services."

²⁸ City of San Francisco, *Language Access Ordinance*, 10.

²⁹ Multnomah County, "Language, Communication and Cultural Access Policy," 3.

- **Using family members or friends as interpreters.** Whether to allow family or friends of LEP individuals seeking services to interpret for them is a complicated question for state and local governments, and one some language access laws address. Serious ethical concerns can arise when family members and friends are used as interpreters, for instance when dealing with confidential or personal matters, and there is often no way for government staff to be sure of the quality of interpretation when relying on family members or friends. As such, many state and local laws and policies seek to curb or directly forbid the use of family members and friends as interpreters. For example, Westchester County’s 2019 executive order explicitly states that family members, other clients, and informal interpreters are not to be relied upon as the primary means of communication between an LEP client and a department. In Maine, the City of Portland’s language access policy requires city employees to inform LEP individuals of their right to a free interpreter before they request the use of a family member or friend and allows staff to override such a request if they have concerns about “competency of the interpretation, confidentiality, privacy, and/or a conflict of interest.”³⁰ Other jurisdictions allow the use of family members or friends as interpreters but only in low-stakes communication, such as scheduling or providing directions.

Given potential liability and other consequences of ineffective, incorrect, or otherwise low-quality language assistance services, it is perhaps unsurprising that so many state and local laws contain provisions that seek to ensure the quality and accuracy of the services provided. Such provisions are crucial parameters for agency efforts, can help avoid inefficiencies and other more serious consequences of low-quality services, and more generally ensure that language access laws and policies achieve their goals.

E. Training Staff on Language Access Policies and Procedures

The day-to-day provision of language access services relies on the knowledge and skills of agency staff and managers who interact with LEP individuals and develop frontline processes to facilitate language access. As a result, many state and local language access laws and policies set training requirements to ensure key agency staff and managers understand language access regulations and procedures. Given that different types of agency staff have different responsibilities when it comes to serving LEP individuals, trainings can also help in delineating how language access fits into staff members’ portfolio of responsibilities, such as how frontline workers should utilize interpretation and translation when interacting with the public or how agency managers should track the usage and costs of language services.

These provisions most commonly require staff to receive training on an agency’s language access policy or implementation plan and their associated responsibilities. For instance, New York State’s language access executive order requires agencies to conduct annual trainings on policies and how to provide language access services, while Boston’s ordinance requires training for department heads as well as managers and frontline staff. Minneapolis’s 2015 Language Access Plan both includes annual training requirements for existing staff and mandates that language access be included as a topic in orientations for new hires. Other jurisdictions designate specific offices to carry out training for agencies, often those focused on immigrant

³⁰ City of Portland, “City of Portland’s Language Access Policy” (November 26, 2018), 2.

affairs or civil rights. For example, Seattle’s executive order requires the city’s Office of Immigrant and Refugee Affairs to provide training to staff of other agencies on language assistance measures.

Beyond training on language access policies and procedures, a notable professional development element in some laws and policies is requiring cultural competency training for staff involved in implementing language access services. Such requirements step outside the civil rights-based framework through which many laws and policies address language access, aiming to build the cultural knowledge of agency staff and thereby improve services to linguistically and culturally diverse populations. For example, in the District of Columbia, each agency affected by the district’s language access law must develop a linguistic and cultural competency training plan to support employees in public contact positions with developing the skills necessary to effectively serve LEP individuals.

In the District of Columbia, each agency affected by the district’s language access law must develop a linguistic and cultural competency training plan.

Hundreds—and, in some cases, tens and even hundreds of thousands—of employees may play a role in implementing language assistance services in their state or locality. Provisions aiming to ensure employees ranging from agency managers to frontline staff receive the direction and training they need to understand and fulfill their roles are therefore a common and arguably critical feature of language access laws and policies. Trainings that promote cultural competence and a broader understanding of potential access barriers likely also contribute to effective and efficient implementation of language access policies.

F. Public Notice of Services and Rights Related to Language Access

To ensure LEP customers are aware of their right to language assistance and particular services that a department provides, most language access laws and policies across the country include public notice provisions. Methods vary and often include posting signage, providing notice on websites, and conducting outreach to LEP communities.

- ▶ **Informing LEP individuals of their right to language access during interactions with staff.** Some jurisdictions require frontline staff to directly inform LEP individuals of their right to an interpreter during initial and ongoing interactions with agency staff. For example, Portland’s policy requires city staff to “offer an interpreter as soon as it is apparent that a person has a limited ability to read, write, speak, or understand English” and to make clear that interpretation is provided free of charge.³¹
- ▶ **Posting signs in public places.** The most common method of notifying the public of language access services is to post signage in government buildings. For example, Hawaii’s language access director is required to develop and distribute multilingual signage to inform individuals of their right to language access and free language services. Signage must be created for frequently encountered languages and others as needed. Other jurisdictions, such as Monterey County, CA, also require a notice of services on government websites.

³¹ City of Portland, “City of Portland’s Language Access Policy,” 1.

- ▶ **Conducting direct outreach to LEP communities.** Some mandates require agencies and departments to conduct direct outreach to local LEP communities to share information regarding the provision of language access services. Public outreach initiatives, including those that leverage local media with culturally and linguistically diverse audiences and involve community-based organizations, can help to ensure LEP communities are aware of services available within the jurisdiction. For example, Montgomery County’s 2010 executive order requires the county executive’s Office of Community Partnerships to conduct outreach programs and collaborate with “ethnic advisory groups and community partners” to promote awareness of language access in county services.³²

G. *Designation and Recruitment of Agency Personnel to Supervise Language Access*

In order to supervise and implement the regulations laid out in language access laws and policies, many states and localities designate or call for the appointment of a staff person or team to oversee language access procedures. The most common approach is to require the appointment or hiring of a language access coordinator (LAC) by each affected agency to oversee the agency’s language access planning and procedures.

Responsibilities and support built around LACs can vary significantly depending on jurisdiction. Some laws and policies designate one person per agency to oversee processes. Houston’s policy, for example, requires each department to designate a LAC “to effect the creation and execution of the department’s language access policy and implementation plan.”³³ Other jurisdictions, such as Prince George’s County, MD, and nearby Washington, DC, require the creation of teams with specific roles and responsibilities within each department to oversee the provision of language services.

Designating an individual or team to oversee the initial and ongoing implementation of language access provisions has several benefits for state and local governments as well as their component agencies. For large jurisdictions, detailing the exact roles and responsibilities of LACs across agencies allows for standardization of the role as well as a consistent point of contact for language access issues. Within departments, a dedicated staff person or team also provides a point of contact and the means to implement language access provisions in ways that are tailored to the needs and operations of a particular department.

H. *Creation of Language Access Plans*

To support government agencies and departments in navigating their language access obligations and to ensure an implementation strategy has been developed, many language access laws and policies require the creation of language access plans (LAPs) for each affected agency.³⁴ Sometimes referred to as implementation plans, LAPs provide a road map for agency implementation activities by taking into account

32 Montgomery County, Maryland, Office of the County Executive, “Access to County Government Services for Individuals with Limited English Proficiency” (Executive Order 046-10, March 4, 2010).

33 City of Houston, “Language Access,” *Administrative Policies* 2–11 (May 16, 2014), 2.

34 For purposes of this analysis, language access plans include any document that outlines how an agency, department, or jurisdiction will implement the provisions of a mandate. Comparatively, compliance plans refer to those that demonstrate an entity’s progress towards full implementation and/or its state of compliance.

important factors such as their service and program designs, the needs of their LEP customers, financial capacity, and legally mandated requirements.

LAPs are expected to address the range of language assistance responsibilities placed on an agency or, in some cases, an entire jurisdiction. Depending on the specific law or policy, this could mean a plan for how the agency will address any or all of the elements described earlier in this section: document translation, interpretation services, ensuring accuracy of services, designation and recruitment of agency personnel, professional development, and providing public notice of services. Consequently, the creation of LAPs is critical to ensuring that agencies carefully consider how they will operationalize and maintain language assistance services that meet the requirements set forth in law or policy.

BOX 1

The Migration Policy Institute's Language Portal

MPI's Language Portal is an interpretation and translation digital library with nearly 3,000 state and local language access-related documents, including language access plans, sample translated material, contracts, reports, federal guidance documents, and much more. The Language Portal provides resources in dozens of languages and several service areas, such as education, public safety, health, and social services. To access the portal, visit <http://bit.ly/MPILangPortal>.

Most often, language access laws and policies direct affected state and local agencies to create LAPs that provide a detailed framework for how the agency will fulfill its language access obligations. Agencies are often expected to draft LAPs within a certain period of time following the passage of a mandate, and these plans are typically reviewed by an authorized body or individual. Language access laws and policies may also set an expectation that LAPs be updated on a regular basis in order to ensure agencies stay abreast of potential changes in local demographics that may warrant adjustments in service design. For example, Suffolk County's Local Law 16-2018 required each county agency to develop, within 60 days of the law's passage, an LAP stating how the agency would comply with the law, while also directing agencies to update the plan regularly. Once complete, agencies must submit their plans to the clerk of the county legislature, who then provides copies to all members of the Suffolk County legislature. Some jurisdictions, such as Minneapolis, Madison, and Austin, have also required the development of citywide LAPs in their language access laws.

The various responsibilities assigned to agencies and departments by state and local language access laws seek to set standards and procedures for when and how language services should be provided while also mandating how agencies should plan for and ensure quality in interactions with LEP individuals, whether through the appointment of a LAC, the development of a LAP, or training staff on language access. Taken together, these provisions can create a framework for language access that, when implemented with careful consideration, can lead to consistent delivery of quality language assistance services as well as ongoing coordination and planning for such services.

5 Policy Administration

In order to make language access provisions more durable and responsive, many state and local governments also include features in their laws and policies to guide implementation and oversight. These

policy administration structures are necessary to create accountability for agencies, to provide capacity-building measures based on the different needs of different agencies, and to create offices for centralized planning and coordination on language access for leaders of state and local governments. Centralized reporting and technical assistance mechanisms may also be aspects of these cross-agency provisions, helping to ensure that agencies and staff fulfill their responsibilities while also providing information and feedback to executive bodies and offices tasked with overseeing policy implementation.

Nearly all the laws and policies analyzed include at least one policy administration component, but the extent to which jurisdictions have addressed these issues and the manner in which they have done so varies widely, as the subsection that follow will show. For more detailed information regarding which components are included in each state and local law, see Appendix B.

These policy administration structures are necessary to create accountability for agencies, to provide capacity-building measures based on the different needs of different agencies, and to create offices for centralized planning and coordination.

A. Agency Oversight

As discussed in the agency responsibilities section, many language access laws and policies require the appointment of a team or individual (generally a LAC) to implement language access procedures, standards, and planning within an agency or department. Many state and local laws also assign a similar, cross-agency oversight responsibility to an office, team, or individual. The exact responsibilities of these entities differ from jurisdiction to jurisdiction, but most are assigned roles related to monitoring implementation, ensuring compliance, and coordinating efforts across agencies. Depending on the structure of the state or local government, the jurisdiction-wide oversight body may be:

- ▶ **A chief executive's office, a human resources office, or other existing office such as one dealing with immigrant or civil rights issues.** Suffolk County's Executive Order 10-2012, for example, charges the Deputy County Executive for Intergovernmental Affairs to oversee and coordinate agencies in implementation of the county's executive order. California's *Dymally-Alatorre Bilingual Services Act* gives oversight for its statewide policy to its Department of Human Resources. San Francisco is among the jurisdictions that assign oversight capacities to offices dedicated to immigrant affairs and/or civil rights. The city utilizes two oversight entities: the Office of Civic Engagement and Immigrant Affairs (OCEIA), which is charged with providing a centralized infrastructure to monitor and facilitate implementation and compliance, and the City's Immigrant Rights Commission, which reviews OCEIA actions and recommends changes to the policy. Meanwhile, Anchorage's Language Access Policy places these responsibilities under one designated staff person, the mayor's language access liaison.
- ▶ **A newly established office dedicated specifically to language access across a jurisdiction, as designated by law or policy.** Hawaii's state language access law established an Office of Language Access within the Department of Health to provide oversight and central coordination while also monitoring the compliance of other state agencies implementing language access requirements.

This approach is unique among the laws and policies analyzed for this report, with most jurisdictions designating existing bodies to provide oversight for their policies.

Whether they are new or existing offices, such oversight entities are important for managing the implementation of language access procedures and responsibilities across multiple agencies within a state or local government. Such coordination, especially when combined with intra-agency oversight via LACs or other staff, enables executive bodies and other policymakers to monitor and adjust the implementation of language access policies via a centralized entity that can provide guidance, accountability, and evaluation more easily than ad hoc oversight arrangements.

B. Creation of Advisory Councils and Technical Assistance Bodies

The implementation of language access policies depends on agencies being able not only to understand their responsibilities under new laws and policies but also how they can arrange translation and interpretation, develop internal coordination capabilities, and ensure quality in language services. Such expertise may not always be present within agencies, especially when state and local governments are implementing new strategies and policies to advance language access. To address this challenge, some state and local laws and policies specifically create or designate advisory councils or technical assistance bodies to guide and support agencies in putting language access procedures into place. Jurisdictions have done so either by creating formal councils with the sole purpose of supporting language access services or by selecting an existing office with the necessary expertise and perspective to provide technical assistance; in many cases, this is the same entity providing oversight.

- ▶ **Creation of language access advisory councils.** Some states and localities have created advisory councils consisting of policy experts and LEP community stakeholders with the capacity to guide and coordinate implementation efforts. Hawaii’s language access law, for example, requires the governor to appoint a number of key stakeholders to the state’s Language Access Advisory Council, such as representatives from state government agencies, advocacy organizations, LEP communities, interpretation and translation providers, and the executive director of Hawaii’s Civil Rights Commission. The advisory council provides input on the implementation of the state’s language access law, compliance with its provisions, and the quality of translation, interpretation, and training of employees in affected agencies.
- ▶ **Technical assistance responsibilities.** Some jurisdictions assign technical assistance responsibilities to offices (or individuals) in order to provide best practices and answer questions agency staff may have regarding the provision of language services and implementation of language access policies and laws. In San Francisco, the city’s ordinance tasks the OCEIA with providing technical assistance and coordinating language services across departments. The office’s responsibilities include maintaining a directory of qualified language services providers and interpretation and translation contracts as well as helping city agencies identify bilingual staff. Similarly, in North Carolina, Orange County’s policy states that the county’s Department of Human Rights “shall assist county departments in defining tasks, setting deadlines and priorities, assigning responsibility, and allocating the resources necessary

to come into or maintaining compliance with language access requirements.”³⁵ Uniquely, the District of Columbia also includes an external nongovernmental body, the district’s Language Access Coalition, as one of the sources of technical assistance for its agencies.

In addition to providing support and guidance to affected agencies, designating a centralized advisory or technical assistance body can enable jurisdictions to determine where challenges are emerging for departments and what additional efforts may be needed to address them. Similarly, advisory bodies can allow knowledgeable stakeholders from communities and key institutions to guide implementation and provide input on the design of language access services in a structured setting.

Designating a centralized advisory or technical assistance body can enable jurisdictions to determine where challenges are emerging for departments and what additional efforts may be needed to address them.

C. *Accountability Mechanisms*

Accountability mechanisms that ensure agencies and their staff are adhering to language access provisions and regulations are also common features of state and local laws and policies. Common accountability mechanisms include regular compliance plans, reports to the state legislature or city council, and structured complaint procedures.

- ▶ **Agency compliance plans.** Several jurisdictions monitor the status of agencies’ implementation of language access provisions by requiring them to regularly compile compliance plans. In Chicago, for example, departmental LACs are required to submit a compliance plan to the Mayor’s Office of New Americans that outlines progress made in the year prior and plans for the year ahead. Compliance plans are to be prepared annually, beginning one year after an agency develops its language access policy and implementation plan. The District of Columbia also requires agencies to include a range of specific information in their annual compliance plans, including: the number of LEP or non-English proficient (NEP) individuals served in the fiscal year; a list of translated vital documents and the languages of translation; the oral interpretation offered by the agency; itemized expenses on language access; and the number of complaints received as well as actions taken to address them. Agencies are required to submit compliance plans to the DC Language Access Coalition and the district’s consultative agencies for review.
- ▶ **Reports to legislatures or other authorities.** Some jurisdictions also require agencies or language access oversight bodies to make regular reports to legislatures or executive bodies. For example, in California, the Department of Human Resources must compile agency language surveys (which are conducted by agencies to determine the scope of language access needs) and implementation plans and prepare a report to be submitted every two years to the state legislature. Prince George’s County’s policy requires the county’s Human Relations Commission, which oversees language access, to provide annual reports to the County Council and County Executive.

³⁵ Orange County Board of County Commissioners, “Language Access Policy” (June 16, 2020), 6.

- ▶ **Complaint procedure for LEP customers to report violations.** Complaint procedures allow LEP customers to formally assert that their right to language assistance was violated and obligate agencies to resolve valid complaints. Among the jurisdictions that have adopted complaint procedures, the complexity and detail of processes vary significantly. Under New York City’s law, agencies are simply required to include in their LAP a process to monitor and respond to complaints. In Oakland’s more detailed complaint procedure, departments are required to allow LEP customers to make complaints in each frequently spoken language, as designated by the city, over the phone or by completing a complaint form. Copies of complaints must be forwarded to the city manager within 30 days, and departments must document actions taken to resolve complaints. Finally, the city manager must prepare a semiannual report for the City Council explaining the number, nature, and status of complaints.

BOX 2

The Private Right to Action

In the 2001 Supreme Court case *Alexander v. Sandoval*, the court ruled that Section 602 of the *Civil Rights Act of 1964*, which grants federal agencies permission to terminate funding to recipients that are in violation of the act’s regulations, does not allow individuals to bring claims of discrimination, including national-origin-based discrimination, in court unless they can prove they were intentionally discriminated against. The result of this ruling has been that individuals are not able to sue any level of government for failing to provide language access unless they can prove the agency was intentionally discriminating against them due to their national origin or native language. Under this standard, individuals cannot sue the government for failing to provide them with an interpreter or translated documents (even though they have a civil right to both), thus removing a potentially powerful tool for LEP individuals and others seeking to ensure the provision of language assistance services.

As states and localities develop and implement their own language access mandates, a select few have addressed the issue of private rights to action, and none have created a state or local private right to action. The City of Chicago addresses this issue in its ordinance by explicitly stating that the law is not to be construed as creating a private right of action. And San Francisco’s ordinance, while it does not directly reference a private right of action, does include language that protects against financial damages: “by providing the public with equal access to language services, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for break of which it is liable in money damages to any person who claims that such breach proximately caused injury.”

Sources: Memorandum from Ralph F. Boyd, Jr., Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to heads of departments and agencies, general counsels, and civil rights directors, *Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency*, October 26, 2001; Cornell Law School, Legal Information Institute, “*Alexander v. Sandoval*,” accessed September 28, 2021; City of Chicago, Office of the City Clerk, “*Amendment of Municipal Code, Title 2 by Adding New Chapter 40 Entitled ‘Citywide Language Access to Ensure the Effective Delivery of City Services’*” (substitute ordinance, March 18, 2015); City of San Francisco, “*Language Access Ordinance*,” *Administrative Code of the City of San Francisco*, Chapter 91 (2015).

Achieving fidelity in the implementation of language access regulations may be difficult without provisions to ensure agencies are held accountable for noncompliance or failing to provide access to LEP individuals, but jurisdictional approaches to accountability differ noticeably in strength and impact. Accountability mechanisms need not be designed to punish failures to adhere to the provisions of a particular law or policy as effective complaint and reporting mechanisms can also allow jurisdictions to monitor where language

access challenges and deficiencies are occurring both within agencies and across government services more broadly. Consequently, reporting rubrics, complaints, and other accountability measures serve as important data sources for jurisdictions to understand how to improve and enhance the implementation of their language assistance policies.

D. *Data Systems and Population Tracking*

To better understand the language assistance services that LEP individuals and communities are using and project those they may require in the future, some language access laws and policies include specific requirements for data collection and reporting, for both agencies and oversight bodies. These efforts can allow states and localities to detect trends and changes in local language access needs and, where necessary, improve policies relevant to LEP communities and adapt the services agencies offer.

- ▶ **Tracking the size of LEP communities and use of agency services.** States and localities most commonly use data from the U.S. Census Bureau’s annual American Community Survey (ACS) to determine the characteristics of their LEP communities, but some jurisdictions require the use of more detailed data collection and tracking systems in their language access laws and policies. On the broader side of these requirements, Orange County requires its departments “to determine the linguistic characteristics of an LEP population in their service area by reviewing available data from federal, state, and local government agencies, community, and faith based organizations.”³⁶ In contrast, New York City’s law requires agency LAPs to include a detailed evaluation of the language access needs of the service population to assess if services should be provided in languages additional to the city’s ten designated citywide languages.³⁷ The evaluation should consider relevant survey data, language data collected through intake processes, and data collected on language access services rendered or requested. While Chicago’s language access ordinance mirrors some of the provisions contained in New York City’s—requiring departments to determine translation needs by using intake information and data on telephonic translation service requests and usage—it also requires that its departments utilize research provided by an advisory committee and community feedback.
- ▶ **Tracking emerging LEP populations.** A smaller share of state and local laws and policies prioritize data collection and monitoring of emerging LEP populations in order to detect impending needs to adjust services. For example, San Francisco’s OCEIA must annually submit a summary report to the Immigrant Rights Commission and the clerk of the Board of Supervisors including the total number of LEP persons in the city and each district, broken out by languages spoken, and any recommended changes to account for the needs of emerging populations. Similarly, Minneapolis’s policy requires the city to recalculate what LEP communities exist and their size at least once every two years.

Although data collection provisions can apply at the agency level, measures that require the aggregation of LEP data through oversight bodies or through its inclusion in published LAPs can improve a jurisdiction’s ability to understand the LEP populations being served by particular agencies.

³⁶ Orange County Board of County Commissioners, “Language Access Policy,” 2.

³⁷ City of New York, *A Local Law to Amend the New York City Charter and the Administrative Code*.

Such routine data collection and transparency measures can also contribute to an agency or jurisdiction's understanding of local demographic trends that may indicate areas of increased or decreased language assistance needs for particular language groups. Detailed tracking through administrative data can also show common interactions between LEP individuals and agency staff, providing useful information on the types of language services that are needed and in what contexts.

E. Involvement of Community Members and Groups

In developing and implementing language access mandates, a small share of jurisdictions require public input or guidance from nongovernmental organizations that represent or serve LEP communities. In a few cases, these laws and policies actively include groups representing LEP communities in cross-agency policy governance to inform planning processes and/or gather feedback on the quality of translation and interpretation services offered.

- ▶ **Involving community members during planning processes.** Consulting the public during the planning phase of implementation may help states and localities gain important insight from LEP communities and their advocates that might otherwise be overlooked. The planning process for Minneapolis's LEP plan, as mandated by its language access ordinance, was required to include participation by LEP persons and/or organizations that represent them. Under Minnesota's statewide law, the commissioner of administration is required to consult with the Minnesota Council on Latino Affairs and groups representing LEP communities to determine the implementation and application of the law. As detailed in Section 5.B., community groups may also be involved in advisory and technical assistance bodies during the implementation of state and local laws and policies.
- ▶ **Including groups representing LEP communities in governance structures.** A limited number of laws and policies include groups representing LEP communities in their ongoing governance and administration of language access across agencies. Hawaii's Language Access Advisory Council, whose responsibilities include overseeing implementation and agency compliance with the state's language access law, must include an LEP individual, one resident from each of Hawaii's counties, and an organization that advocates for LEP communities. The District of Columbia's law requires the district's Office of Human Rights to regularly consult with the nongovernmental Language Access Coalition regarding implementation of language access provisions, data, and LAPs, as well as any significant actions related to the implementation of the law.
- ▶ **Soliciting public feedback on language access service quality.** As agency-level implementation takes shape, some jurisdictions require agencies to obtain feedback from the public regarding quality and efficacy of services. For example, the ordinances in both Oakland and San Francisco encourage implementing departments to solicit feedback on the quality and accuracy of translations at community group meetings. Under Suffolk County's executive order, LACs must develop a plan, which should include feedback from the public and community groups, to monitor agency compliance.

Mandating opportunities for the public and government officials to discuss language access policies and services gives LEP community members and groups serving them a chance to provide important input on language access and gives policymakers an opportunity to receive valuable feedback that can help shape

procedures and services. For example, such efforts may help identify gaps in services and inform jurisdiction outreach efforts during emergencies, such as the use of multilingual text alerts.

F. Agency or Jurisdiction Financial Resources

A limited number of jurisdictions incorporate the allocation of resources and funding for language services into their language access laws and policies. Several language access laws and policies require agencies to account for the expected cost of language services in their language access plans or other planning procedures. Seattle has addressed issues of funding by requiring agencies to prioritize portions of their existing budgets to cover the implementation of the 2017 executive order. In San Francisco, agency compliance plans must include annual expenditures related to language access and a budget for future implementation. Similarly, Anchorage's policy requires affected agencies to designate funds that will be used to support language assistance. Uniquely, Long Beach's language access policy is the only law or policy analyzed that provides designated resources and funding, broken down by category of use.³⁸

The absence of such provisions in many language access laws and policies is not entirely surprising, especially in light of expectations in the executive branches of many state and local governments that agency budgets can be tapped to cover a significant share of implementation costs. However, the amount of funding necessary to fulfill language access service obligations can vary greatly by agency and fluctuate over time based on local demographics, rates of uptake for different government services, the average

BOX 3

Utilizing Master-Vendor Contracts for Translation and Interpretation Services

As jurisdictions seek to provide translation and interpretation services on a larger scale, establishing master-vendor contracts can be a cost-effective solution for reducing unit costs, covering languages not spoken by employees, and filling gaps where demand for services exceeds agency capacity. With variations in unit costs depending on service provider and language, as well as the type and frequency of service, creating a jurisdiction-wide vendor contract that aggregates demand across agencies can be useful in significantly reducing unit costs for services while also extending agency capacity to meet service needs. Such contracts can be used to obtain favorable terms for state or local agencies, with agencies paying directly for the services they use.

Source: Jessica Sperling, "Practitioner's Corner: Drafting Request for Proposals and Contracts for Language Access Services," Migration Policy Institute, accessed September 15, 2021.

duration of interactions, and variable costs for services in particular languages, especially low-incidence languages. Even if agency budgets can be tapped to meet language assistance needs, costs such as those associated with cross-agency coordination, oversight, and technical assistance would still require a source of support.

Given the inherent difficulties of estimating costs for implementing language assistance policies, approaches such as those described can allow state and local governments to gather data on both agency and overall coordination costs, and ultimately develop budgeting practices that provide necessary supports for implementation costs not covered by other sources.

³⁸ It is unclear from the city's policy if these funds are renewed annually or were solely allocated for use during the year the city passed its resolution. See City of Long Beach, Office of the City Attorney, "A Resolution of the City Council of the City of Long Beach Amending and Reinstating a Language Access Policy" (Resolution Number 18-0022, February 20, 2018).

6 Conclusion

From disseminating language identification cards in household water bills in Monterey Park, to training city employees on how to work with interpreters in Houston, to setting up standardized complaint procedures in Washington, DC, many states and localities have developed laws and policies that aim to ensure LEP individuals enjoy the civil right of meaningful access to public services. As this report has detailed, many of these laws and policies share common elements, including the assignment of responsibilities to individual agencies as well as provisions designed to create an administrative infrastructure across a state or local government to coordinate, evaluate, and guide language services. Many of these features, especially practical ones related to interpretation and translation, mirror federal guidance on language access. Yet, state and local laws and policies also contain unique and innovative features that regulate how governments coordinate, monitor, and provide support for agencies directly serving LEP members of the public.

By detailing the various ways state and local governments have sought to improve language access via laws and policies, this analysis illuminates key design elements decisionmakers must consider in order to craft comprehensive policies. Although it is beyond scope of the report to examine implementation and the ongoing impact of these laws and policies, the many issues these laws and policies address and the frameworks they create represent important models for consideration by those seeking to develop or expand language access. With linguistic diversity growing across the country, such insights will be vital for states and localities looking to create and effectively manage language access services.

The many issues these laws and policies address and the frameworks they create represent important models for consideration by those seeking to develop or expand language access.

Appendices

Appendix A. Key Agency Responsibility Components from State and Local Language Access Laws and Policies

Table A-1 identifies the key agency responsibility components of state and local language access mandates, discussed in Section 4. The table does not include all elements of each law.

TABLE A-1

Key Agency Responsibilities under State and Local Language Access Laws

Law or Policy Name	Identifies Affected Agencies	Document Translation	Interpretation Services	Accuracy of Services Provisions	Personnel-Related Provisions	Professional Development	Public Notice of Services	Language Access or Implementation Plans
<i>State Laws</i>								
California Dymally-Alatorre Bilingual Services Act	✓	✓	✓	✓	✓	✓	✓	✓
District of Columbia Language Access Act	✓	✓	✓	✓	✓	✓	✓	✓
Hawaii Act 201	✓	✓	✓	✓	✓	✓	✓	✓
Maryland Equal Access to Public Services Act	✓	✓	✓	✓			✓	
Minnesota Statutes 15.441	✓	✓	✓	✓	✓		✓	
New York State Executive Order 26	✓	✓	✓	✓	✓	✓	✓	✓
<i>Local Laws</i>								
Anchorage, AK, Lang. Access Policy 16-6	✓	✓	✓	✓	✓	✓	✓	✓
Austin, TX, Admin. Bulletin 14-04 & Res. 20161103-052	✓	✓	✓	✓	✓		✓	✓

TABLE A-1 (cont.)

Key Agency Responsibilities under State and Local Language Access Laws

Law or Policy Name	Identifies Affected Agencies	Document Translation	Interpretation Services	Accuracy of Services Provisions	Personnel-Related Provisions	Professional Development	Public Notice of Services	Language Access or Implementation Plans
Boston, MA, 2016 Ordinance	✓	✓	✓	✓	✓	✓	✓	✓
Chapel Hill, NC, Lang. Access Plan	✓	✓	✓	✓		✓	✓	✓
Chicago, IL, 2015 Substitute Ordinance	✓	✓	✓	✓	✓	✓	✓	✓
Detroit, MI, LEP Plan 2017	✓	✓	✓	✓	✓	✓	✓	
Houston, TX, Admin. Policy 2-11	✓	✓	✓	✓	✓	✓		✓
Humboldt Co., CA, LEP Policy	✓	✓	✓	✓				
King Co., WA, Code Title 2.15	✓	✓	✓	✓			✓	✓
Long Beach, CA, Resolution 18-0022	✓	✓	✓	✓	✓	✓	✓	
Madison, WI, Lang. Access Plan	✓	✓	✓	✓	✓	✓	✓	✓
Minneapolis, MN, 2015 Lang. Access Plan	✓	✓	✓	✓	✓	✓	✓	✓
Monterey Co., CA, Policy P-130	✓	✓	✓	✓	✓		✓	✓
Monterey Park, CA, Admin. Policy 10-35		✓	✓	✓	✓	✓	✓	
Montgomery Co., MD, Executive Order 046-10	✓	✓	✓	✓	✓	✓	✓	✓

TABLE A-1 (cont.)

Key Agency Responsibilities under State and Local Language Access Laws

Law or Policy Name	Identifies Affected Agencies	Document Translation	Interpretation Services	Accuracy of Services Provisions	Personnel-Related Provisions	Professional Development	Public Notice of Services	Language Access or Implementation Plans
Multnomah Co., OR, Admin. Procedure DEI-2	✓	✓	✓	✓		✓	✓	
Nassau Co., NY, Executive Orders 67-2013 & 72-2013	✓	✓	✓	✓	✓	✓		✓
New York City, NY, Executive Order 120	✓	✓	✓		✓	✓	✓	✓
New York City, NY, Local Law 30	✓	✓	✓	✓	✓	✓	✓	✓
Oakland, CA, Equal Access to Services Ordinance	✓	✓	✓	✓	✓		✓	✓
Orange Co., NC, Lang. Access Policy	✓	✓	✓	✓	✓	✓	✓	✓
Palm Springs, CA, Res. 24713	✓	✓	✓				✓	
Philadelphia, PA, Executive Order 4-01	✓							✓
Philadelphia, PA, Executive Order 7-16	✓				✓		✓	✓
Portland, ME, Lang. Access Policy		✓	✓	✓		✓	✓	
Prince George's Co., MD, Lang. Access for Public Services	✓	✓	✓	✓	✓	✓	✓	✓
San Diego Co., CA, Policy A-139	✓	✓	✓	✓		✓	✓	

TABLE A-1 (cont.)

Key Agency Responsibilities under State and Local Language Access Laws

Law or Policy Name	Identifies Affected Agencies	Document Translation	Interpretation Services	Accuracy of Services Provisions	Personnel-Related Provisions	Professional Development	Public Notice of Services	Language Access or Implementation Plans
San Francisco, CA, Lang. Access Ordinance	✓	✓	✓	✓	✓	✓	✓	✓
San Jose, CA, Lang. Access Policy	✓	✓	✓	✓	✓	✓	✓	✓
San Mateo Co., CA, Lang. Access Policy	✓	✓	✓	✓	✓	✓	✓	
Santa Clara Co., CA, Board Res. BOS-2015-47	✓	✓	✓	✓	✓		✓	
Seattle, WA, Executive Orders 01-07 & 2017-10	✓	✓	✓	✓		✓		✓
Suffolk Co., NY, Executive Order 10-2012	✓	✓	✓	✓	✓	✓	✓	✓
Suffolk Co., NY, Local Law 16-2018	✓	✓	✓	✓	✓	✓	✓	✓
Tucson, AZ, Admin. Directive 2.05-9	✓	✓	✓	✓	✓	✓	✓	✓
Westchester Co., NY, Executive Order 1 of 2019	✓	✓	✓	✓	✓	✓	✓	✓
Worcester, MA, City LEP Policy & Procedures	✓	✓	✓	✓	✓	✓		

Notes: The Montgomery County, MD, executive order references various policies previously instituted in the jurisdiction related to language access that place additional responsibilities on agencies. This analysis focuses only on the obligations explicitly adopted under the 2010 executive order. Philadelphia Executive Order No. 7-16 directs agencies to develop language access plans pursuant to the city's language access policy (issued separately from the executive order). This table includes only the provisions in the order. Sources: Appendix C.

Appendix B. Key Policy Administration Components from State and Local Language Access Laws and Policies

Table A–2 identifies the key policy administration components of state and local language access mandates, discussed in Section 5. The table does not include all elements of each law.

TABLE A–2

Key Policy Administration Elements under State and Local Language Access Laws

Law of Policy Name	Oversight and Compliance	Advisory Councils and Technical Assistance Bodies	Accountability Mechanisms	Data Systems and Population Tracking	Involvement of Community Members	Agency/Jurisdiction Budget and Resources
<i>State Laws</i>						
California Dymally-Alatorre Bilingual Services Act	✓	✓	✓	✓		✓
District of Columbia Language Access Act	✓	✓	✓	✓	✓	✓
Hawaii Act 201	✓	✓	✓		✓	
Maryland Equal Access to Public Services Act	✓	✓		✓		
Minnesota Statutes 15.441	✓	✓			✓	
New York State Executive Order 26	✓		✓	✓		
<i>Local Laws</i>						
Anchorage, AK, Lang. Access Policy 16-6	✓	✓	✓		✓	✓
Austin, TX, Admin. Bulletin 14-04 & Res. 20161103-052	✓	✓		✓	✓	✓
Boston, MA, 2016 Ordinance	✓	✓	✓	✓	✓	✓
Chapel Hill, NC, Lang. Access Plan		✓	✓	✓		
Chicago, IL, 2015 Substitute Ordinance	✓	✓	✓	✓	✓	
Detroit, MI, LEP Plan 2017	✓	✓				
Houston, TX, Admin. Policy 2-11	✓	✓	✓	✓	✓	
Humboldt Co., CA, LEP Policy	✓	✓	✓			
King Co., WA, Code Title 2.15			✓	✓		

TABLE A-2 (cont.)

Key Policy Administration Elements under State and Local Language Access Laws

Law of Policy Name	Oversight and Compliance	Advisory Councils and Technical Assistance Bodies	Accountability Mechanisms	Data Systems and Population Tracking	Involvement of Community Members	Agency/Jurisdiction Budget and Resources
Long Beach, CA, Resolution 18-0022	✓			✓		✓
Madison, WI, Lang. Access Plan	✓	✓	✓	✓	✓	✓
Minneapolis, MN, 2015 Lang. Access Plan	✓	✓	✓	✓	✓	✓
Monterey Co., CA, Policy P-130		✓				
Monterey Park, CA, Admin. Policy 10-35	✓	✓				
Montgomery Co., MD, Executive Order 046-10	✓	✓	✓			
Multnomah Co., OR, Admin. Procedure DEI-2	✓	✓	✓	✓	✓	
Nassau Co., NY, Executive Orders 67-2013 & 72-2013	✓	✓	✓			
New York City, NY, Executive Order 120	✓	✓		✓		
New York City, NY, Local Law 30	✓	✓	✓	✓		
Oakland, CA, Equal Access to Services Ordinance	✓		✓	✓	✓	
Orange Co., NC, Lang. Access Policy	✓	✓		✓		
Palm Springs, CA, Res. 24713	✓		✓			
Philadelphia, PA, Executive Order 4-01	✓					
Philadelphia, PA, Executive Order 7-16	✓	✓	✓			
Portland, ME, Lang. Access Policy	✓					
Prince George's Co., MD, Lang. Access for Public Services	✓	✓	✓		✓	
San Diego Co., CA, Policy A-139	✓					

TABLE A-2 (cont.)

Key Policy Administration Elements under State and Local Language Access Laws

Law of Policy Name	Oversight and Compliance	Advisory Councils and Technical Assistance Bodies	Accountability Mechanisms	Data Systems and Population Tracking	Involvement of Community Members	Agency/Jurisdiction Budget and Resources
San Francisco, CA, Lang. Access Ordinance	✓	✓	✓	✓	✓	✓
San Jose, CA, Lang. Access Policy						
San Mateo Co., CA, Lang. Access Policy	✓	✓				✓
Santa Clara Co., CA, Board Res. BOS-2015-47						✓
Seattle, WA, Executive Orders 01-07 & 2017-10	✓	✓		✓		✓
Suffolk Co., NY, Executive Order 10-2012	✓	✓		✓	✓	
Suffolk Co., NY, Local Law 16-2018			✓		✓	
Tucson, AZ, Admin. Directive 2.05-9	✓	✓	✓			✓
Westchester Co., NY, Executive Order 1 of 2019	✓	✓				
Worcester, MA, City LEP Policy & Procedures	✓		✓	✓	✓	✓

Notes: The Montgomery County, MD, executive order references various policies previously instituted in the jurisdiction related to language access that place additional responsibilities on agencies. This analysis focuses only on the obligations explicitly adopted under the 2010 executive order. Philadelphia Executive Order No. 7-16 directs agencies to develop language access plans pursuant to the city's language access policy (issued separately from the executive order). This table includes only the provisions in the order. Sources: Appendix C.

Appendix C. State and Local Language Access Laws

State Laws and Policies

California

State of California, *Dymally-Alatorre Bilingual Services Act*, *California Statutes of 1973*, Chapter 1182 (1973).

District of Columbia

District of Columbia, *Language Access Act of 2004*, codified in *District of Columbia Municipal Regulations and District of Columbia Register*, Chapter 4-12 (2014).

Hawaii

State of Hawaii, *Hawaii Act 201*, codified in *Hawaii Revised Statutes*, Chapter 321c (2012).

Note: The *Hawaii Act 290* of 2006 established the state's language access policy and codified it in Chapter 371 of the *Hawaii Revised Statutes*. It was later repealed and replaced by *Act 201* in 2012, codified in statute as Chapter 321c.

Maryland

State of Maryland, *Maryland Equal Access to Public Services for Individuals with Limited English Proficiency Act*, codified in *Code of Maryland, State Government*, §10-1101-§10-1106 (2016).

Note: Maryland's language access law has been updated on several occasions, including most recently in 2016.

Minnesota

State of Minnesota, "*Communications Services*," *2020 Minnesota Statutes*, Chapter 15.441 (2020).

New York

State of New York, Department of State, Secretary of State, "*Statewide Language Access Policy*" (Executive Order No. 26, October 6, 2011).

Note: New York State's Executive Order 26 was amended in March 2021, but given that the most recent executive order builds on the 2011 version by expanding the number of languages mandated for translation and requiring updated language access plans from state agencies without other major revisions, it was not included in this analysis. See State of New York, Department of State, Secretary of State, "*Statewide Language Access Policy*" (Executive Order 26.1, March 23, 2021).

Local Laws and Policies

Anchorage, AK

Municipality of Anchorage, "*Language Access Policy*" (Operating Policy/Procedure 16-6, September 2018).

Austin, TX

City of Austin, “[Translation and Interpretation Policy](#)” (Administrative Bulletin 14-04, August 2014).

City Council of the City of Austin, “[Resolution No. 20161103-052](#)” (November 3, 2016).

Boston, MA

City of Boston, “[Establishing Language and Communications Access for City Services](#),” *City of Boston Municipal Code*, Chapter 6-10.1 (March 2016).

Chapel Hill, NC

Town of Chapel Hill, [Language Access Plan](#) (Chapel Hill: Town of Chapel Hill, 2019).

Chicago, IL

City of Chicago, Office of the City Clerk, “[Amendment of Municipal Code, Title 2 by Adding New Chapter 40 Entitled ‘Citywide Language Access to Ensure the Effective Delivery of City Services’](#)” (substitute ordinance, March 18, 2015).

Detroit, MI

City of Detroit, Department of Civil Rights, Inclusion, and Opportunity, [City of Detroit Limited English Proficiency \(LEP\) Plan](#) (Detroit: City of Detroit, 2017).

Houston, TX

City of Houston, “[Language Access](#),” *Administrative Policies 2–11* (May 16, 2014).

Humboldt County, CA

County of Humboldt, “[Limited English Proficiency Policy](#)” (Policy No. HR2020-004, April 28, 2020).

King County, WA

King County, “[Citizen and Immigration Status](#),” *King County Code*, Title 2.15 (2018).

Long Beach, CA

City of Long Beach, Office of the City Attorney, “[A Resolution of the City Council of the City of Long Beach Amending and Reinstating a Language Access Policy](#)” (Resolution Number 18-0022, February 20, 2018).

Note: The City of Long Beach passed its first resolution related to language access in 2013. The city has since passed two resolutions that amend and restate the jurisdiction’s original policy, most recently in 2018.

Madison, WI

City of Madison, Department of Civil Rights, [City of Madison, Wisconsin, Language Access Plan](#) (Madison: City of Madison, 2018).

Minneapolis, MN

City of Minneapolis, Neighborhood and Community Relations Department, *2015 Language Access Plan* (Minneapolis: City of Minneapolis, 2015).

Note: Minneapolis’s plan makes reference to a previous resolution authorizing the creation of the city’s policy, but no such resolution was readily available on the websites of the city or the city council, so the resolution has not been included in this analysis.

Monterey County, CA

County of Monterey, “*Language Access and Effective Communication Policy*,” *Board Policy Manual*, Policy No. P-130 (January 2018).

Monterey Park, CA

City of Monterey Park, “*Multilingual City Service*” (Administrative Policy 10-35, December 18, 2003).

Montgomery County, MD

Montgomery County, Office of the County Executive, “*Access to County Government Services for Individuals with Limited English Proficiency*” (Executive Order 046-10, March 4, 2010).

Multnomah County, OR

Multnomah County, “*Language, Communication and Cultural Access Policy*” (Administrative Procedure DEI-2, October 2019).

Nassau County, NY

Nassau County, “*Executive Order No. 67-2013*” (July 30, 2013).

Nassau County, “*Executive Order No. 72-2013*” (August 15, 2013).

New York City, NY

City of New York, Office of the Mayor, “*Citywide Policy on Language Access to Ensure the Effective Delivery of City Services*” (Executive Order No. 120, July 22, 2008).

City of New York, *A Local Law to Amend the New York City Charter and the Administrative Code of the City of New York, in Relation to Improving Access to City Services for Limited English Proficient Individuals, Local Laws of the City of New York for the Year of 2017*, No. 30 (2017).

Oakland, CA

City of Oakland, Office of the City Clerk, *Equal Access to Services*, Ordinance No. 12324, codified at *Oakland Municipal Code*, Section 2, Chapter 2.30 (2001).

Orange County, NC

Orange County Board of County Commissioners, “*Orange County Language Access Policy*” (June 16, 2020).

Palm Springs, CA

City of Palm Springs, “*A Resolution of the City Council of the City of Palm Springs, California, Adopting a Language Access Policy*” (Resolution No. 24713, January 30, 2020).

Philadelphia, PA

City of Philadelphia, “[Access to Federally Funded City Programs and Activities for Individuals with Limited English Proficiency](#)” (Executive Order No. 4-01, September 29, 2001).

City of Philadelphia, “[Citywide Policy on Language Access and the Office of Immigrant Affairs](#)” (Executive Order No. 7-16, May 12, 2016).

Prince George’s County, MD

County Council of Prince George’s County, Maryland, “[Language Access for Public Services](#),” Bill No. CB-34-2020 (November 17, 2020).

Note: This Prince George’s County policy was initially passed in 2017 but updated in 2020.

Portland, ME

City of Portland, “[City of Portland’s Language Access Policy](#)” (November 26, 2018).

San Diego County, CA

San Diego County, California, “[Language Access](#)” (Board of Supervisors Policy A-139, November 2020).
City of San Francisco, [Language Access Ordinance](#), Ordinance No. 27-15, *Administrative Code of the City of San Francisco* (2015).

Note: San Francisco’s language access policy has been updated on several occasions, most recently in 2015.

San Mateo County, CA

San Mateo County Board of Supervisors, “[Language Access Policy Internal Guidelines](#)” (2017).

San Mateo County, “[Resolution Authorizing A Language Access Policy for the County of San Mateo](#)” (Board of Supervisors Resolution, June 2017).

Note: San Mateo County’s language access policy consists of both a short resolution passed by the county board of supervisors as well as more extensive guidelines developed by the county manager; both documents are included in this analysis.

San Jose, CA

City of San Jose, “[Language Access Policy](#),” *City Administrative Policy Manual*, Policy No. 6.1.10 (November 10, 2016).

Santa Clara County, CA

Santa Clara County Board of Supervisors, “[Language Access](#)” (Resolution BOS-2015-47, March 24, 2015).

Santa Clara County, “[Language Access Guidelines and Procedures](#)” (March 24, 2015).

Note: This analysis examined solely Santa Clara County’s “[Language Access Guidelines and Procedures](#)” as this policy builds upon the board’s initial resolution and was also approved by the Board of Supervisors. The initial resolution has also been included here for reference.

Seattle, WA

City of Seattle, Office of the Mayor, "[City-Wide Translation and Interpretation Policy](#)" (Executive Order 01-07, January 29, 2007).

City of Seattle, Office of the Mayor, "[Language Access](#)" (Executive Order 2017-10, October 2, 2017).

Suffolk County, NY

Suffolk County, "[Countywide Language Access Policy](#)" (Executive Order 10-2012, November 14, 2012).

Suffolk County, *A Local Law to Ensure Language Assistance for the Public*, Local Law 16-2018 (May 21, 2018).

Tucson, AZ

City of Tucson, "[Services for Language Access Policy for Limited English Proficiency](#)" (Administrative Directive 2.05-9, January 1, 2018).

Westchester County, NY

Westchester County, "[Westchester County Language Access Policy](#)" (Executive Order 1 of 2019, March 5, 2019).

Worcester, MA

City of Worcester, *Limited English Proficiency Language Access Policy and Procedures* (Worcester: City of Worcester, 2016).

About the Authors



JACOB HOFSTETTER [@_JakeHofstetter](#)

Jacob Hofstetter is an Associate Policy Analyst at the Migration Policy Institute (MPI) National Center on Immigrant Integration Policy, where he conducts research and policy analysis to promote the long-term civic, economic, and linguistic integration of immigrants and refugees, with a focus on adult education and workforce development policy.

Previously, he worked as a Research and Policy Associate at the Massachusetts Appleseed Center for Law and Justice and as a Legal Services Coordinator for Human Rights First in Houston and interned for Refugee Services of Texas. Mr. Hofstetter holds a master's degree in global policy studies with a focus on immigration and refugee policy from the Lyndon B. Johnson School of Public Affairs at the University of Texas, Austin, and a BA in history from Miami University.



MARGIE MCHUGH

Margie McHugh is Director of MPI's National Center on Immigrant Integration Policy. The Center is a national hub for leaders in government, community affairs, business, and academia to obtain the insights and knowledge they need to respond to the challenges and opportunities that today's high rates of immigration pose for communities across the United States. It provides in-depth research, policy analysis, technical assistance, training, and information resource services on a broad range of immigrant integration issues. Ms. McHugh's work focuses on education quality and access issues for immigrants and their children, from early childhood through K-12 and adult, postsecondary, and workforce skills programs. She also leads the Center's work seeking a more coordinated federal response to immigrant integration needs and impacts, and more workable systems for recognition of the education and work experience immigrants bring with them to the United States.



ANNA O'TOOLE

Anna O'Toole was a Research Assistant at MPI, where she provided program support and administrative assistance to the National Center on Immigrant Integration Policy. She currently works with the U.S. Department of Housing and Urban Development (HUD) assisting communities in the state of Florida to implement a variety of HUD's community development programs. Prior to joining HUD, she served in county government, where she focused on homelessness policy and system coordination in support of local efforts to prevent and end homelessness.

Ms. O'Toole holds a bachelor of arts degree from the University of Michigan with concentrations in international studies and Spanish, focusing on the intersection of human rights and migration in Latin America.

Acknowledgments

This report was supported by Impact Assets. The authors are grateful to their Migration Policy Institute (MPI) colleagues Lauren Shaw for her expert editing and Yoseph Hamid for production support. They also thank Mara Youdelman of the National Health Law Program for generously sharing her input, time, and expertise to support this report.

MPI is an independent, nonpartisan policy research organization that adheres to the highest standard of rigor and integrity in its work. All analysis, recommendations, and policy ideas advanced by MPI are solely determined by its researchers.

© 2021 Migration Policy Institute.
All Rights Reserved.

Design: Sara Staedicke, MPI
Layout: Yoseph Hamid, MPI
Cover Photo: iStock.com/Peach_iStock

No part of this publication may be reproduced or transmitted in any form by any means, electronic or mechanical, or included in any information storage and retrieval system, without permission from the Migration Policy Institute. A full-text PDF of this document is available for free download from www.migrationpolicy.org.

Information for reproducing excerpts from this report can be found at www.migrationpolicy.org/about/copyright-policy. Inquiries can also be directed to: communications@migrationpolicy.org.

Suggested citation: Hofstetter, Jacob, Margie McHugh, and Anna O'Toole. 2021. *A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies*. Washington, DC: Migration Policy Institute.

The Migration Policy Institute is an independent, nonpartisan think tank that seeks to improve immigration and integration policies through authoritative research and analysis, opportunities for learning and dialogue, and the development of new ideas to address complex policy questions.



www.migrationpolicy.org

1275 K St NW, Suite 800, Washington, DC 20005
202-266-1940

